

ORDINANCE NO. 07-60

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A 10-FOOT WIDE EASEMENT TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, FOR CONSTRUCTION, REPAIR AND REPLACEMENT OF ITS UNDERGROUND FACILITIES IN ORDER TO SERVE THE 300-UNIT ELDERLY HOUSING PROJECT, IN SUBSTANTIALLY THE FORM AS ATTACHED. PROPERTY LOCATED AT THE CITY OF HIALEAH 300-UNIT ELDERLY HOUSING PROJECT, 1350 WEST 26 PLACE, HIALEAH, FLORIDA. REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida grants a 10-foot wide easement to Florida Power & Light Company, a Florida corporation, for construction, repair and replacement of its underground facilities in order to serve 300-unit elderly housing project. The property is located at the City of Hialeah 300-unit elderly housing project, 1350 West 26 Place, Hialeah, Miami-Dade County, Florida and the easement is legally described as follows:

A STRIP OF LAND 10.00 FEET WIDE BEING A PORTION OF TRACT 51, LESS THE EAST 800 FEET AND THAT PART OF TRACT 52 LYING NORTHEASTERLY OF STATE ROAD 25-US 27 (AS RECORDED IN R.O.W. MAP AT PLAT BOOK 72 AT

PAGE 86) LESS THE SOUTH 800 FEET OF FLORIDA FRUIT LANDS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF HIALEAH, FLORIDA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH BONDARY LINE OF TRACT 52, WITH THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 25-US 27 (OKEECHOBEE ROAD), AS RECORDED IN R.O.W. MAP AT PLAT BOOK 72 AT PAGE 86 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH $50^{\circ} 55' 45''$ WEST (BASIS OF BEARINGS) ALONG SIAD NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 25-US 27 A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF SAID 10.00-FOOT WIDE UTILITY EASEMENT; THENCE NORTH $86^{\circ} 40' 04''$ EAST 73.00 FEET TO A POINT; THENCE NORTH $00^{\circ} 31' 57''$ EAST AND 15.50 FEET PARALLEL WITH BUILDING A-3 A DISTANCE OF 136.92 FEET TO A POINT; THENCE NORTH $22^{\circ} 24' 47''$ WEST A DISTANCE OF 42.67 FEET TO A POINT; THENCE NORTH $00^{\circ} 15' 48''$ WEST AND 7.50 FEET PARALLE WITH BUILDING A-1, A DISTANCE OF 169.96 FEET TO POINT "A"; THENCE ALONG THE PROLONGATION OF THE BEFORE MENTIONED LINE A DITANCE OF 19.76 FEET TO A POINT; THENCE NORTH $37^{\circ} 41' 48''$ WEST, 21.60 FEET TO A POINT; THENCE SOUTH $87^{\circ} 16' 33''$ WEST AND 17.50 FEET AND PARALLEL WITH BUILDING A-1, A DISTANCE OF 104.00 FEET TO A POINT; THENCE NORTH $53^{\circ} 18' 45''$ WEST, A DISTANCE OF 119.50 FEET TO A POINT LYING 80.00 FEET AND 12.50 FET FROM THE NORTH AND WEST BOUNDARY LINES, RESPECTIVELY, OF SAID TRACT 51, THIS POINT BEING THE POINT OF TERMINATION OF THE CENTERLINE OF SAID 10.00-FOOT WIDE UTILITY EASEMENT.

AND

BEGINNING AT THE ABOVE MENTIONED POINT "A"; THENCE SOUTH $86^{\circ} 47' 22''$ EAST A DISTANCE

OF 103.00 FEET TO A POINT 4.00 FEET WEST AND 7.50 FEET NORTH OF THE EXTGERIO WALLS OF THE NORTHWEST CORNERS OF BUILDING A-2 OF THE SAME 300-UNIT ELDERLY HOUSING PROJECT, THIS POINT BEING THE POINT OF TERMINATION OF THE CENTERLINE OF THE BRANCH OF THE UTILITY EASEMENT BEGINNING AT POINT "A".

THE SIDE LINES OF SAID EASEMENT TO BE SHORTENED OR PROLONGED TO MEET AT ANGLE POINTS, AT PERPENDICULAR LINES WITH POINT OF TERMINATION OF THE CENTERLINE AND AT THE BOUNDARY LINES OF SAID TRACTS 51 AND 52.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 26 day of June, 2007.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:

Approved on this 30 day of June, 2007.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

s:\wmg\legis\ord-2007\FPLeaseement300-unitproject.doc

Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".

Work Request No.

EASEMENT

This Instrument Prepared By

Sec. _ , Twp _ S, Rge _ E

Name: 300-Unit Elderly Housing

Parcel I.D.

Co. Name: Florida Power & Light Company

(Maintained by County Appraiser)

Address: 1350 W. 26 Place

Form 3722-A (Stocked) Rev. 7/94

pg _ of _.

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of underground electric utility facilities (including wires, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width described as follows:

Reserved for Circuit Court

SEE EXHIBIT "A"

PAGE 1 AND 2 OF 2

**exclusively for underground utilities;

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay ca and conduit within the easement and to operate the same for communications purposes, the right of ingress and egress to s premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of easement area which might interfere with or fall upon the lines or systems of communications or power transmission distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabo granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or throu said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on June 30, 2007

Signed, sealed and delivered
in the presence of:

Sandra Garcia

(Witness' Signature)

Print Name: Sandra Garcia

(Witness)

By:

Mayor

Print Name:

Mayor Julio Robaina

Print Address:

501 Palm Avenue

Hialeah, Florida 33010

Attest:

Rafael E. Granado

City Clerk

Print Name:

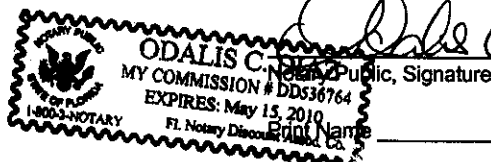
Print Address:

501 Palm Avenue

Hialeah, Florida 33010

STATE OF Florida AND COUNTY OF Miami-Dade The foregoing instrument was acknowledged before me th 5 day of July, 2007, by Mayor Julio Robaina, and Rafael E. Granado who is(are) personally known to me or has(have) produced _____ as identification, and wh did (did not) take an oath. (Type of Identification)

My Commission Expires:



Approved as to form and
legal sufficiency:

William M. Grodnick
William M. Grodnick
City Attorney

EXHIBIT "A"

Legal description of an easement to be granted to the Florida Power and Light Company said easement to be located at 1350 West 26th Place also known as 300 Units Elderly Housing Project, in The City of Hialeah, Florida.

A strip of land 10.00 feet wide located at 1350 West 26th Place also known as the 300 units Elderly Housing Project in the City of Hialeah Florida; being a portion of Tract 51 less the East 800 feet and that part of tract 52 lying Northeasterly of State Road 25-US 27 (R .O .W. Map Plat Book 72 page 86) less the East 800 feet of Florida Fruits Lands Subdivision in Section 11- Township 53 South- Range 40 East. As recorded in Plat Book 2 at page 17 of the Public Records of Miami Dade County, Florida. Said strip of land being 5.00 Feet wide on each side of the more particularly described line.

Commencing at the intersection of the South Boundary line of Tract 52, with the Northerly Right of Way line of State Road No.25-US 27 (Okeechobee Road) as recorded in R.O.W. Map PB 72-86 of the Public Records of Miami-Dade County, Florida; Thence North 50-55-45 West (Basis of Bearings) along said Northerly Right of Way Line of State Road 25-US27 a distance of 200.00 feet to the Point of Beginning of the Centerline of said 10.00 feet wide utility easement. Thence North 86-40-04 East 73.00 feet to a point; Thence North 00-31-57 East and 15.50 feet parallel with Building A-3 a distance of 136.92 feet to a point; Thence North 22-24-47 West a distance of 42.67 feet to a point; Thence North 00-15-48 West and 7.50 feet parallel with Building A-1, a distance of 169.96 feet to Point "A"; Thence along the prolongation of the before mentioned line a distance of 19.76 feet to a point; thence North 37-41-48 West, 21.60 feet to a point; thence South 87-16-33 West and 17.50 feet and parallel with Building A-1, a distance of 104.00 feet to a point; Thence North 53-18-45 West, a distance of 119.50 feet to a point lying 80.00 feet and 12.50, from the North and West boundary lines, respectively, of said Tract 51, this point being the Point of Termination of the centerline of said 10.00 feet wide utility easement.

And

Beginning at the above mentioned Point "A"; Thence South 86-47-22 East a distance of 103.00 feet to a point 4.00 feet West and 7.50 feet North of the exterior walls of the Northwest corners of building A-2 of the same 300 Units Elderly Housing Project, this point being the point of termination of the centerline of the branch of the utility easement beginning at Point "A".

The side lines of said easement to be shortened or prolonged to meet at angle points, at perpendicular lines with Points of Termination of the centerline and at the boundary lines of said tracts 51 and 52.

End of legal.
(Page 1 of 2)

EASEMENT

This Instrument Prepared By

Sec. , Twp S, Rge E

Parcel 1.D.

(Maintained by County Appraiser)

Form 3722-A (Stocked) Rev. 7/94

Name: 300-Unit Elderly Housing

Co. Name: Florida Power & Light Company

Address: 1350 W. 26 Place

pg ____ of ____

CFN 2007R0802762

OR Bk 25854 Pgs 2010 - 2012; (3pgs)

RECORDED 08/14/2007 11:28:44

RECORDED 05/14/2007 11:28:44
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of _____ underground electric utility facilities (including wires, _____ cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width described as follows:

Reserved for Circuit Court

SEE EXHIBIT "A"

PAGE 1 AND 2 OF 2

**exclusively for underground utilities;

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on June 30, 2007

Signed, sealed and delivered
in the presence of: A

By: Mayor

Print Name: Mayor Julio Robaina

Print Address: 501 Palm Avenue

Print Name: Sandra Garcia
(Witness)

Hialeah, Florida 33010

Attest: _____
City Clerk

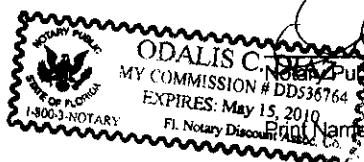
Print Name: Rafael E. Granado

Print Address: 501 Palm Avenue

Hialeah, Florida 33010

STATE OF Florida AND COUNTY OF Miami-Dade The foregoing instrument was acknowledged before me th
5 day of July, 2007, by Mayer Julia Robaina, and Rafael E. Granado
 who is(are) personally known to me or has(have) produced _____ as identification, and wh
 did (did not) take an oath. _____ (Type of Identification)

My Commission Expires:



Approved as to form and
legal sufficiency:

William M. Grodnick
City Attorney

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The side lines of said easement to be shortened or prolonged to meet at angle points, at perpendicular lines with Points of Termination of the centerline and at the boundary lines of said tracts 51 and 52.

End of legal.
(Page 1 of 2)

SKETCH OF LEGAL
1350 W 26TH PL. HIALEAH FL.
300 UNITS ELDERLY HOUSING.

S 89°42'45" W

519.67'

TR 50 P

